

Paralegal:
KELLY A. ROMIG
K.AnneBrongo@hotmail.com

Legal Assistant:
TESSA R. REMMEL
Tessa.R.Remmel@hotmail.com

Real Estate Paralegal:
AMANDA N. WATTIE
AmandaNWattie@hotmail.com
Direct Dial: (585) 230-7514

STEPHEN M. LEONARDO, ESQ.

Attorney and Counselor at Law
The Irving Place Building (Old City Hall)
30 West Broad Street - Suite 500
Rochester, New York 14614

Telephone: (585) 546-6680
Facsimile: (585) 546-4783

Associate:
JOSEPH R. SULLIVAN, ESQ.
JosephRSullivan@hotmail.com

Of Counsel:
MICHAEL D. FLOWERDAY, ESQ.

January 8, 2016

VIA FACSIMILE: (585) 613-4085

Honorable Marian W Payson
US Magistrate Judge
100 State Street
Rochester, New York 14614

FILE COPY

Re: United States v. Richard Petix

Dear Judge Payson:

I write this on behalf of my client Richard Petix and his family, whom I trust you will understand, have repeatedly called my office since the detention hearing was held before your Honor on December 23, 2015.

Given that your honor was gracious enough to both accept the responsibilities to conduct this hearing and then to do so a mere two days before Christmas, I hope you will appreciate that it certainly created an expectation in both my client and his family that a decision would be made him a before the holidays were over. We believe that given the allegations, and more importantly the testimony offered during the hearing, that the Defendant has established by clear and convincing evidence that he is not likely to flee - the only basis upon which we believe the Government has raised any issue. There does not appear to be any allegation that would subject the Defendant to a mandatory revocation of his supervised release as there are no allegations that he unlawfully possessed a controlled substance; possess a firearm or refused to comply with drug testing.

We believe that there are sufficient conditions that the Court can impose such as a requirement of electronic home monitoring, and unsecured or secured bond, etc. that would allow the Defendant to be released from custody.

However, so that I may properly advise my client and his family I would specifically asked for some guidance from the Court as to when we might expect a decision on the detention hearing.

Thank you for your anticipated attention and assistance on this matter. Please advise.

Sincerely,


Stephen M. Leonardo, Esq.

SML/trr
xc: Richard Resnick, US Attorney(via e-mail)

Paralegal:
KELLY A. ROMIG
K.AnnBrongo@hotmail.com

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TESSA R. REMMEL
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JOSEPH R. SULLIVAN, ESQ.
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January 11, 2016

VIA FACSIMILE: (585) 613-4085

Honorable Marian W Payson
US Magistrate Judge
100 State Street
Rochester, New York 14614

FILE COPY

Re: United States v. Richard Petix

Dear Judge Payson:

This is in response to the e-mail sent to my office late in the day on Friday regarding my client Richard Petix. Perhaps the e-mail was in response to the letter I sent hoping to get a decision on the detention hearing held before your Honor on December 23, 2015. In the e-mail from the Court we were advised, without further explanation, that the detention hearing was "continued" for Tuesday, January 12, 2016 at 4:00 p.m.

By way of a brief history, Mr. Petix was arrested on or about December 3, 2015 in Buffalo, New York charged with lying to federal officials in violation of 18 USC Section 1001(a)(2). He was arraigned on this charge before Magistrate Scott on December 4, 2015 and the matter was adjourned until December 16, 2015. In addition Mr. Petix was arraigned before Judge Siragusa on a violation of his supervised release on December 8, 2015. Judge Siragusa issued a Coonan Order and adjourned the matter until January 12, 2016 at 8:30 AM.

On December 16, 2015 I appeared in federal court in Buffalo before Magistrate Scott. At that time, the Government moved for detention and submitted their arguments in support thereof. On behalf of Mr. Petix, I argued against detention and submitted my arguments in opposition to detention including the fact that there was no statutory mandate that the Defendant be detained. Judge Scott stated he would make a decision but adjourned the matter one day until December 17, 2015 so that he could obtain a verified report from US Probation Department. We appeared with Mr. Petix on December 17, 2015 before Magistrate Scott at which time the government again argued for detention maintaining, as they had previously, that Mr. Petix presented a risk of flight. Judge Scott adjourned the matter until December 21, 2015. On December 21, 2015 Judge Scott determined that he would not issue a decision on the issue but rather defer to Judge Siragusa. An e-mail was generated from Judge Scott's office to that effect dated December 21, 2015.

Given Judge Scott's position, my office contacted Judge Siragusa's office which ultimately led to Your Honor graciously agreeing to conduct a detention hearing on the morning of December 23, 2015. That hearing was attended by Michael Flowerday, Esq., for my office. I'm told that both sides placed their position and/or proof on the record and the

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Re: Richard Petix
January 11, 2016

matter was adjourned for decision.

Now we are told the detention hearing needs to be continued for Mr. Petix and are directed to appear on Tuesday, January 12, 2016 at 4:00 p.m. Will Your Honor offer any further insight as to the nature of what more needs to be addressed or what other information you may be seeking?

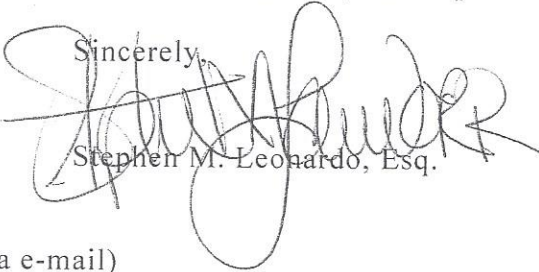
Perhaps this something that Judge Siragusa can address when we appear before him on January 12, 2016 8:30 a.m.?

Unfortunately, I am previously engaged on the afternoon of January 12, 2016 and cannot appear with Mr. Petix. Furthermore, I leave for a long planned, weeklong vacation on Wednesday, January 13, 2016.

Including his arraignment on the new charge in Buffalo, New York and the violation of his supervised release, Mr. Petix has made six separate appearances in Federal Court without any resolution on the issue of whether he should be detained.

Thank you for your consideration. I look forward to your response

Sincerely,



Stephen M. Leonardo, Esq.

SML/trr

xc: Richard Resnick, US Attorney(via e-mail)